

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**ANGEL DAVID MORALES  
VALLELLANES,  
Plaintiff,**

**v.**

**JOHN POTTER, UNITED STATES  
POSTMASTER GENERAL, ET ALS.,  
Defendants.**

**CIVIL NO. 97-2459 (GAG)**

**DAMAGES BASED ON  
RETALIATION AND  
DISCRIMINATION; PROHIBITED  
PERSONNEL PRACTICES; UNFAIR  
LABOR PRACTICES; BREACH OF  
COLLECTIVE BARGAINING  
AGREEMENT**

**TRIAL BY JURY IS HEREBY  
REQUESTED**

**MOTION REQUESTING ORDER PROHIBITING TO CHANGE OR AMEND EXPERT  
WITNESS REPORT**

**COMES NOW**, plaintiff Angel David Morales-Vallellanes through his legal counsel and very respectfully inform this Honorable Court:

1. Plaintiff strongly oppose this Honorable Court order (docket 332) as it gives an unfair advantage to Defendant since this will de facto preclude Plaintiff to depose Defendant expert Dr. Fortuño because he reserved his right to amend or expand his opinions on the report.
2. On October 24, 2006, Defendant deposed Plaintiff expert witness Dr. Guillermo Hoyos based on a **FINAL** expert report made by Dr. Hoyos. At no time Dr. Guillermo Hoyos reserved the right to amend or expand his opinions on the report. This left Defendant with the certainty to present at trial Dr. Hoyos deposition's transcript without the fear of any possible change on behalf of Dr. Hoyos which otherwise would leave Defendant deposition useless.
3. On the contrary, it would be a futile exercise of time and money for Plaintiff to depose Dr. Fortuño based on a report that he could conveniently change later after the deposition since he reserved his right to amend or expand his opinions on the report. It would create the same effect as

if this Honorable Court forbids Plaintiff to depose Dr. Fortuño. This will leave Plaintiff deposition useless and without merit. In addition Plaintiff would be defenseless as to Dr. Fortuño's testimony.

4. Defendant was the one who did not comply with this Honorable Court order, in not submitting a **final** expert report.

**WHEREFORE**, it is respectfully requested from this Honorable Court to order that Defendant expert witness Dr. Ramon Fortuño can not change, amend or expand his expert report.

**RESPECTFULLY SUBMITTED.**

**I HEREBY CERTIFY** that on November 8, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: **Fidel A. Sevillano-Del Río, Esq.**, Assistant U.S. Attorney, Federico Degetau Federal Build., 150 Carlos Chardón Av., Hato Rey, Puerto Rico 00918.

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